



Business Regulation Committee

**Monday, December 5, 2005
2:00 PM
REED HALL**

ACTION PACKET

COMMITTEE MEETING REPORT

Business Regulation Committee

12/5/2005 2:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Thad Altman	X		
Jennifer Carroll	X		
Charles Dean	X		
Susan Goldstein	X		
Kenneth Gottlieb	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Dorothy Hukill	X		
Bruce Kyle	X		
John Legg	X		
Marcelo Llorente	X		
Carlos Lopez-Cantera	X		
Juan-Carlos Planas	X		
Ari Porth	X		
Ron Reagan	X		
Timothy Ryan	X		
Baxter Troutman	X		
Juan Zapata	X		
Totals:	19	0	0

Committee meeting was reported out: Monday, December 05, 2005 5:10:35PM

COMMITTEE MEETING REPORT

Business Regulation Committee

12/5/2005 2:00:00PM

Location: Reed Hall (102 HOB)

HB 29B : State Minimum Wage

☒ Favorable -

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle	X				
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 19 Total Nays: 0					

Committee meeting was reported out: Monday, December 05, 2005 5:10:35PM

COMMITTEE MEETING REPORT

Business Regulation Committee

12/5/2005 2:00:00PM

Location: Reed Hall (102 HOB)

PCB BR 05B-01 :

<input checked="" type="checkbox"/>	<i>Favorable With Amendments -</i>				
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill			X		
Bruce Kyle	X				
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 17 Total Nays: 0					

Appearances:

PCB BR 05B-01

Mara Giuliani - Information Only

Mayor of Hollywood

2600 Hollywood Blvd

Hollywood Florida 33020

Phone: 954-921-3321

PCB BR 05B-01

Virgil Fernandez - Information Only

Hollywood Fire/Rescue

2741 Stirling Road

Hollywood 33312

Phone: 954-067-4248

PCB BR 05B-01

Chadwicks E. Wagner - Proponent

Chief of Police

3250 Hollywood Blvd

Hollywood Florida 33021

Phone: 954-967-4303

Committee meeting was reported out: Monday, December 05, 2005 5:10:35PM

COMMITTEE MEETING REPORT

Business Regulation Committee

12/5/2005 2:00:00PM

Location: Reed Hall (102 HOB)

PCB BR 05B-01

Bill Sublette - Opponent

No Casino

250 North Orange Avenue, Ste. 1220

Orlando Florida 32801

Phone: 407-426-8551 ext. 25

PCB BR 05B-01

Mayor Joy Cooper - Information Only

City of Hallendale Beach

Hallendale Beach

Hallendale Florida

Phone: 786-260-4012

PCB BR 05B-01

Tom Ardley - Information Only

FSBOA

1869 SW 22nd Pl

Bell Florida

Phone: 352-463-3831

PCB BR 05B-01

Jack Cory (Lobbyist) - Opponent

Florida Greyhound Association

116 E. College

Tallahassee Florida 32301

Phone: 893-6995

Committee meeting was reported out: Monday, December 05, 2005 5:10:35PM

COMMITTEE MEETING REPORT

Business Regulation Committee

12/5/2005 2:00:00PM

Location: Reed Hall (102 HOB)

Summary:

Business Regulation Committee

Monday December 05, 2005 02:00 pm

HB 29B

Favorable

Yeas: 19 Nays: 0

PCB BR 05B-01

Favorable With Amendments

Yeas: 17 Nays: 0

Committee meeting was reported out: Monday, December 05, 2005 5:10:35PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (Compact negotiations)

Bill No. PCB 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation
Representative(s) Dean offered the following:

Amendment (with title amendments)

Between line(s) 1248 and 1249 insert:

Section 7. (1) Sixty days following the effective date of this act or at such time as required by federal law, whichever comes first, the Governor shall enter into negotiations with an Indian Tribe authorized to engage in gaming activities pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701. et seq. with the express objective of negotiating a compact that includes as consideration to be paid to the state a percentage of such Indian Tribe's gaming revenues, including but not limited to such Indian Tribe's slot machine gaming revenues.

(2) All revenues collected by the state from any such compact must be paid into the Pari-mutuel Wagering Trust Fund for immediate transfer to the Educational Enhancement Trust Fund and be used to supplement public education funding statewide.

(3) Any tribal-state compact relating to gaming activities which is entered into by an Indian tribe in this state and the Governor pursuant to the Indian Gaming Regulatory Act, 25 U.S.C.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (Compact negotiations)

ss. 2701 et seq., must be conditioned upon ratification by the
Legislature.

===== T I T L E A M E N D M E N T =====

Remove line(s) 40 and insert:
specified service charges; requiring the Governor to enter into
compact negotiations with Indian tribes; establishing compact
requirements; requiring ratification of compacts by the
Legislature; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - per machine fee

Bill No. BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT ☒ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

(F)

Council/Committee hearing bill: Business Regulation

Representative(s) Gottlieb offered the following:

Amendment (with title amendments)

Between line(s) 1248 and 1249 and insert:

Section 7. An annual fee of \$500 per slot machine is hereby imposed upon each slot machine approved for use at any eligible facility as defined in s. 551.102 which is within one mile of any neighboring municipality. A "neighboring municipality" is defined as a municipality that does not have an eligible facility but has more than two facilities located within one mile of its municipal borders. Revenue from the fees imposed by this section must be used by the neighboring municipality to fund the adverse public health, safety, and welfare and public works and traffic impacts that will be caused by the implementation of Section 23, Article X of the State Constitution and that will occur as a direct result of slot machine operations. The annual fee must be remitted to the Division of Pari-mutuel Wagering to be deposited into the Pari-mutuel Wagering Trust Fund and distributed by the division to any neighboring municipality. The fee must be remitted by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - per machine fee

February 1 of each year based on the number of slot machines
approved for operation by the division as of January 1.

===== T I T L E A M E N D M E N T =====

Remove line(s) 40 and insert:

specified service charges; imposing an annual fee on certain
slot machines; providing for the use of the revenue generated by
the collection of the annual fee; providing that the annual fee
be remitted to the division to be deposited into the Pari-mutuel
Wagering Trust Fund and distributed by the division; providing
an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - no Sunday operation

Bill No. PCB 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

1 Council/Committee hearing bill: Business Regulation

2 Representative(s) Johnson offered the following:

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4 **Amendment**

5 Remove line(s) 957 and insert:

6 area may be open every day of the week except Sundays. The slot
7 machine

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - Class II machines

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Johnson offered the following:

Amendment

Remove line(s) 96-115 and insert:

(7) "Slot machine" means a mechanical, electronic, computerized gaming device that is a technological aid to the playing of the game of bingo and that offers wagering on the game of bingo as defined in s. 849.0931, and is capable of being linked to a facilities-based computer system for regulating, managing, and auditing the operation, financial data, and program information, as required by the division. A slot machine may accept only tickets or an electronic payment system for wagering and return or deliver payouts to the player in the form of tickets that may be exchanged for cash, merchandise, or other items of value. The use of cash, coins, credit or debit cards, tokens, or similar objects is specifically prohibited. However, an electronic credit system may be used for receiving wagers and making payouts. A slot machine is not a "coin-operated amusement machine" as defined in s. 212.02(24) or an amusement game or machine as described in s. 849.161, and slot machines are not

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - Class II machines

22 subject to the tax imposed by s. 212.05(1)(h). It is the intent
23 of the Legislature to authorize only those mechanical,
24 computerized, electronic or other technological aids that a
25 federal agency or a court in a final, nonappealable order has
26 concluded expressly meet the definition of a mechanical,
27 computerized, electronic, or other technological aid to Class II
28 gaming pursuant to 25 U.S.C. 2703, the Indian Gaming Regulatory
29 Act. The Legislature does not intend to authorize any other
30 gaming device.

31 (8) "Mechanical, electronic, computerized, or other
32 technological aids" means any machine or device that assists a
33 player or the playing of a bingo game as defined in s. 849.0931
34 and broadens participation by allowing multiple players at one
35 slot machine facility to play with or against each other in a
36 bingo game for a common prize or prizes. Such aids may use
37 alternative displays, including, but not limited to, a
38 simulation of spinning reels, to illustrate aspects of the game
39 of bingo such as when a player joins the game or when prizes
40 have been awarded, as long as such aid continuously and
41 prominently displays the electronic bingo card so that it is
42 apparent that the player is actually engaged in the play of
43 bingo. Such aids shall not:

44 (a) Determine or change the outcome of any game of bingo;

45 (b) Be an electronic or electromechanical facsimile that
46 replicates a game of bingo; or

47 (c) Allow players to play with or against the machine or
48 house for a prize.

49 (9) "Electronic or electromechanical facsimile" means a
50 game played in an electronic or electromechanical format that
51 replicates a game of chance by incorporating all of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - Class II machines

52 characteristics of the game, except when, for bingo, the
53 electronic or electromechanical format broadens participation by
54 allowing multiple players to play with or against each other
55 rather than with or against a machine.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - conforming to Class II

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER ☐

w/D

1 Council/Committee hearing bill: Business Regulation
2 Representative(s) Johnson offered the following conforming
3 amendment:

Amendment

Remove line(s) 1027-1034

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - child support

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Johnson offered the following:

Amendment (with title amendment)

Remove line(s) 405-424 and insert:

(10) (a) It is the responsibility of the appropriate state agency and of the judicial branch to identify to the division, in the form and format prescribed by the division, persons owing an outstanding debt to any state agency, including but not limited to child support collected through a court, including spousal support or alimony for the spouse or former spouse of the obligor if the child support obligation is being enforced by the Department of Revenue, overpayments of unemployment compensation benefits, overpayment for food stamps or other entitlements, taxes, liens, judgments, or other payments. Any slot machine prize of \$600 or more to any person having such an outstanding obligation shall be forwarded by the slot machine licensee to the division for distribution to the agency claiming the debt. The division is authorized to issue payment of the prize balance to the prize winner after deduction of the debt. If a prize winner owes multiple debts subject to offset under

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Johnson - child support

this subsection and the prize amount is insufficient to cover all such debts, the amount of the prize shall be transmitted first to the agency claiming that past due child support is owed. If a balance of prize amount remains after payment of past due child support, the balance shall be transmitted to other agencies claiming debts owed to the state, pro rata, based upon the ratio of the individual debt to the remaining debt owed to the state.

(b) It is the responsibility of the slot machine licensee to ensure that the facilities-based computer system that the licensee uses for operational and accounting functions is specifically configured to ensure the requirements of this subsection are met.

(c) It is the responsibility of the division to identify those persons specified under paragraph (a) as having such outstanding obligations and make any transmittals or payments as necessary.

(d) The division may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection, including the technical requirements of the facilities-based computer system.

===== T I T L E A M E N D M E N T =====

Remove line(s) 12 and insert:
gaming; requiring payment of child support and certain other
outstanding state owed debts from slot machine prizes; providing
licensing conditions on holders of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment by Attkisson - \$1,200 threshold for payment of state owed debt

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN 7 (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Attkisson offered the following:

Attkisson Amendment to Johnson Amendment re: state owed debts

Remove line(s) 16 and insert:

slot machine prize of \$1,200 or more to any person having such an



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

6

Amendment by Llorente - Tax rate

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

1 Council/Committee hearing bill: Business Regulation
2 Representative(s) Llorente offered the following:
3

4 **Amendment**

5 Remove line(s) 549-550 and insert:

6 (a) The tax rate on slot machine revenues at each facility
7 shall be:

8 1. Thirty-five percent on revenue of \$125 million or less;

9 2. Forty percent on revenue greater than \$125 million, but
10 less than or equal to \$250 million;

11 3. Forty-five percent on revenue greater than \$250
12 million, but less than or equal to \$500 million; and

13 4. Fifty-five percent on all revenue greater than \$500
14 million.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - tax rate based on number of machines

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation
Representative(s) Zapata offered the following:

**Zapata Substitute Amendment for Llorente Amendment
relating to tax rates**

Remove line(s) 6-14 and insert:

(a) Upon submission of the initial application for a slot machine license and annually thereafter upon submission of an application for renewal, the applicant shall make an election to operate a specific number of slot machines that shall determine the applicable tax rate on slot machine revenue at the eligible facility. The applicant may amend the application and elect to operate fewer or more slot machines at anytime prior to the issuance of the initial license or renewal. Provided, once the license is issued, the election shall be irrevocable, and the tax rate shall remain in effect on all slot machine revenue until the expiration of the license and without regard to whether fewer slot machines are actually operated at the eligible facility. The tax rate on slot machine revenue at each facility shall be:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - tax rate based on number of machines

22 1. 40 percent for up to 1,250 slot machines;

23
24 2. 45 percent for up to 1,251 but not more than 1,500 slot
25 machines;

26 3. 50 percent for up to 1,501 but not more than 1,750 slot
27 machines; or

28 4. 55 percent for up to 1,751 but not more than 2,000 slot
29 machines.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - conforms to Zapata Substitute Amd.

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Conforming Amendment

Remove line(s) 929 and insert:

2,000 slot machines within the property of the facilities of

[Note: This amendment will be offered if Zapata amendment for a graduated tax rate based on the number of slot machines is adopted.]



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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Llorente - 2,000 machines

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	—	

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Llorente offered the following:

Amendment

Remove line(s) 929 and insert:

2,000 slot machines within the property of the facilities of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Llorente - licenses to operate

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation
Representative(s) Llorente offered the following:

Amendment (with title amendments)

Remove line(s) 247-254 and insert:

(1) The division has the authority to prepare and implement emergency rules necessary to permit the operation of slot machine gaming at eligible facilities at any time after the effective date of this act.

(2) Notwithstanding any provision of law to the contrary, existing eligible facilities shall be permitted to conduct slot machine gaming operations on the premises described in their pari-mutuel permits no later than 30 days after the effective date of this act, provided such eligible facility's permit to conduct pari-mutuel wagering is in good standing and the eligible facility's ownership interests have been previously approved as provided in chapter 550. The eligible facility shall be allowed to conduct slot machine gaming operations until such time as permanent rules and forms have been adopted and the eligible facility has been provided a reasonable opportunity to comply with same. Furthermore, such eligible facility shall not

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Llorente - licenses to operate

22 be allowed to conduct slot machine gaming operations until such
23 time as it has made payment of the initial license fee.

24 (3) Notwithstanding any provision of law to the contrary,
25 a manufacturer or distributor of slot machines that holds valid
26 gaming license in the states of Nevada or New Jersey may act as
27 a manufacture or distributor of slot machines as provided in
28 this chapter, upon the effective date of this act until such
29 time as permanent rules and forms have been adopted and such
30 manufacturer or distributor has been provided a reasonable
31 opportunity to comply with same.

32 (4) Notwithstanding any provision of law to the contrary,
33 a pari-mutuel occupational licensee holding a currently valid
34 pari-mutuel occupational license in Florida, is eligible to act
35 as a slot machine general occupational licensee upon the
36 effective date of this act until such time as permanent rules
37 and forms have been adopted and such occupational licensee has
38 been provided a reasonable opportunity to comply with same.
39

40 ===== T I T L E A M E N D M E N T =====

41 Remove line(s) 12 and insert:

42 gaming; authorizing slot machine operations no later than 30
43 days after the effective date of the act; authorizing emergency
44 rules; allows an eligible facility to conduct slot machine
45 gaming no later than 30 days after effective date of act;
46 provides the eligible facility with a reasonable opportunity to
47 comply with permanent rules and forms; prohibits operation until
48 payment of initial license fee; allows certain manufacturers and
49 distributors of slot machines to conduct business on the
50 effective date of this act; provides the manufacturer or
51 distributor with a reasonable opportunity to comply with

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Llorente - licenses to operate

52 permanent rules and forms; allows certain pari-mutuel
53 occupational licensees to act as slot machine general
54 occupational licensee on the effective date of this act;
55 provides the general occupational licensee with a reasonable
56 opportunity to comply with permanent rules and forms; providing
57 licensing conditions on holders of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - Compact Ratification

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment (with title amendments)

Between line(s) 1248 and 1249 insert:

Section 7. Any tribal-state compact relating to gaming activities which is entered into by an Indian tribe in this state and the Governor pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. s. 2701 et seq., must be conditioned upon ratification by the Legislature.

===== T I T L E A M E N D M E N T =====

Remove line(s) 40 and insert:
specified service charges; providing for ratification of tribal-state compacts by the Legislature; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - DOT Study

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER —

W/D

Council/Committee hearing bill: Business Regulation
Representative(s) Zapata offered the following:

Amendment (with title amendments)

Between line(s) 1248 and 1249 insert:

Section 7. Department of Transportation study of transportation facilities providing access to Indian reservations; report and recommendations authorized.--

(1) The Department of Transportation is directed to conduct a study of the impacts that legalized gambling and other activities on Indian reservation lands are having on public roads and other transportation facilities, regarding traffic congestion and other mobility issues, facility maintenance and repair costs, emergency evacuation readiness, costs of potential future widening or other improvements, and other impacts on the motoring, non-gaming public.

(2) The study shall include, but is not limited to, the following information:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - DOT Study

20 (a) A listing, description and functional classification
21 of the access roads to and from each Indian reservation in
22 Florida.

23 (b) An identification of these access roads that either are
24 scheduled for improvements within the department's Five-Year
25 Work Program, or are listed on the department's or a
26 Metropolitan Planning Organization's 20-year, long-range
27 transportation plans.

28 (c) The most recent traffic counts on the access roads and
29 projected future usage, as well as any projections of impacts on
30 secondary, feeder, or connector roads, interstate highway exit
31 and entrance ramps, or other area transportation facilities.

32 (d) The safety and maintenance ratings of each access road,
33 and a detailed review of impacts on local and state emergency
34 management agencies to provide emergency or evacuation services.

35 (e) The estimated infrastructure costs to maintain,
36 improve, or widen these access roads, based on future projected
37 needs.

38 (f) The feasibility of implementing tolls on these access
39 roads, or if already tolled, raising the toll to offset and
40 mitigate the impacts of traffic generated by Indian reservation
41 gaming activities on non-tribal communities in the state, and to
42 finance projected future improvements to the access roads.

43 (3) The department shall present its findings and
44 recommendations in a report, to be submitted to the Governor,
45 the President of the Senate, and the Speaker of the House of
46 Representatives by January 15, 2007. The report may include
47 department recommendations for proposed legislation.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - DOT Study

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51 ===== T I T L E A M E N D M E N T =====
52 Remove line(s) 40 and insert:
53 specified service charges; directing the Department of
54 Transportation to conduct a study on the access roads to pari-
55 mutuel facilities and Indian reservation lands where gaming
56 activities occur; providing for content of the study; requiring
57 a report to the Governor and the Legislature; providing an
58 effective date.

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11

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - no check cashing businesses

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y) ☐ (N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment

Between line(s) 1020 and 1021 insert:

(5) A slot machine licensee may not allow any entity whose primary business is cashing checks, advancing cash, making loans, or providing credit to be located on or within a licensed slot machine operation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

12

Amendment by Zapata - jai alai awards

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y) ☐ (N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment (with title amendment)

Between line(s) 515 and 516 insert:

(12)(a) No Slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering on live jai alai performances unless the applicant has on file with the division a binding collective bargaining agreement with the International Jai Alai Players Association that contains provisions dedicating percentages of slot machine revenues, retained after the payment of state tax pursuant to s. 551.106, to supplementing player base salaries, supplementing retirement and pension funds, and funding competitive purses for international tournaments or such other binding agreement containing such provisions.

(b) If an impasse in the collective bargaining process prevents the collective bargaining agreement required under paragraph (a) from being filed with the division for a slot machine license or renewal, the provisions dedicating percentages of slot machine revenues to supplementing player

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - jai alai awards

22 base salaries, supplementing retirement and pension funds, and
23 funding competitive purses for international tournaments shall
24 be subject to binding arbitration.

25 (c) 1. If a collective bargaining impasse is reached, the
26 applicant shall immediately ask the American Arbitration
27 Association to furnish a list of 11 arbitrators, each of whom
28 shall have at least 5 years of commercial arbitration experience
29 and no financial interest in or prior relationship with any of
30 the parties or their affiliated or related entities or
31 principles. Each required party to the agreement shall select a
32 single arbitrator from the list provided by the American
33 Arbitration Association within 10 days after receipt, and the
34 individuals so selected shall choose an additional arbitrator
35 from the list within the next 10 days. The three arbitrators
36 selected shall constitute the panel that shall arbitrate the
37 dispute between the parties pursuant to the American Arbitration
38 Association Commercial Arbitration Rules and chapter 682.

39 2. At the conclusion of the proceedings, which shall be
40 within 60 days of the selection of the arbitration panel, the
41 panel shall present to the parties a proposed agreement that a
42 majority of the panel believes equitably balances the rights,
43 interests, obligations, and reasonable expectations of the
44 parties concerning the provisions described in paragraph (b).
45 The parties shall immediately enter into such agreement, which
46 shall be filed with the division and which shall satisfy the
47 requirements of paragraph (a) and permit issuance of the pending
48 initial slot machine license or renewal, notwithstanding that a
49 collective bargaining agreement may remain at impasse. The
50 agreement produced by the arbitration panel under this paragraph
51 shall be effective until the last day of the license or renewal

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - jai alai awards

52 period or until the parties enter into a different agreement,
53 concerning such issues, including a collective bargaining
54 agreement. Each party shall pay its respective costs of
55 arbitration and shall pay one-half of the costs of the
56 arbitration panel, unless the parties otherwise agree.

57 (d) The division shall suspend a slot machine license if
58 the agreement entered into by the parties as a result of
59 arbitration under paragraph (c) 2. is terminated or otherwise
60 ceases to operate or if the division determines that the
61 licensee is materially failing to comply with the provisions of
62 such agreement. Any such suspension shall take place in
63 accordance with chapter 120.

64 (e) If any provision of this subsection or its
65 application to any person or circumstance is held invalid, the
66 invalidity does not affect other provisions or applications of
67 this subsection or chapter which can be given effect without the
68 invalid provision or application, and to this end the provisions
69 of this subsection are severable.

70
71
72
73 ===== T I T L E A M E N D M E N T =====

74 Remove line(s) 13 and insert:
75 thoroughbred pari-mutuel wagering permits; providing licensing
76 conditions on holders of jai alai permits; providing for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - \$25 M transfer fee on sale of facility

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment (with directory and title amendments)

Between line(s) 582 and 583 insert:

551.1065 Fee on transfer of ownership in eligible facility.-- Any pari-mutuel permitholder who sells or transfers in a single transaction or series of transactions a fifty percent or greater ownership interest in an eligible facility or makes any transaction by whatever means which results in a change in controlling ownership shall pay a fee of \$25 million for the first such sale, transfer, or change. Thereafter, any permitholder who sells or transfers in a single transaction or series of transactions a fifty percent or greater ownership interest in an eligible facility or makes any transaction by whatever means which results in a change in controlling ownership in such eligible facility shall pay a fee of \$5 million for such sale, transfer, or change. All fees collected pursuant to this section shall be deposited into the Pari-mutuel Wagering Trust Fund to be used by the division for enhancing compulsive and addictive gambling programs under s. 551.118.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - \$25 M transfer fee on sale of facility

These payments shall be accounted for separately from taxes or
fees paid pursuant to the provisions of chapter 550.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 45 and insert:
sections 551.101, 551.102, 551.103, 551.104, 551.105, 551.106,
551.1065,

===== T I T L E A M E N D M E N T =====

Remove line(s) 15 and insert:
fee and tax rate; imposing a fee for sale or transfer of an
ownership interest in an eligible facility; providing for
payment procedures;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

14

Amendment by Zapata - tax rate based on number of machines

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment

Remove line(s) 549-550 and insert:

(a) Upon submission of the initial application for a slot machine license and annually thereafter upon submission of an application for renewal, the applicant shall make an election to operate a specific number of slot machines that shall determine the applicable tax rate on slot machine revenue at the eligible facility. The applicant may amend the application and elect to operate fewer or more slot machines at anytime prior to the issuance of the initial license or renewal. Provided, once the license is issued, the election shall be irrevocable, and the tax rate shall remain in effect on all slot machine revenue until the expiration of the license and without regard to whether fewer slot machines are actually operated at the eligible facility. The tax rate on slot machine revenue at each facility shall be:

1. 40 percent for up to 1,250 slot machines;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - tax rate based on number of machines

22 2. 45 percent for up to 1,251 but not more than 1,500 slot
23 machines;

24 3. 50 percent for up to 1,501 but not more than 1,750 slot
25 machines; or

26 4. 55 percent for up to 1,751 but not more than 2,000 slot
27 machines.

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14a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - conforms to Zapata Substitute Amd.

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

1 Council/Committee hearing bill: Business Regulation
2 Representative(s) Zapata offered the following:
3

4 **Conforming Amendment**

5 Remove line(s) 929 and insert:

6 2,000 slot machines within the property of the facilities of
7

8
9
10 [Note: This amendment will be offered if Zapata amendment for a
11 graduated tax rate based on the number of slot machines is
12 adopted.]



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

15

Amendment by Zapata - defines contiguous and connected

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment

Remove line(s) 948 and insert:

facility. A new building is not contiguous and connected to the
live gaming facility if the only connection between the two
consists of sidewalks, roads, tunnels, bridges, railways or
similar structures or passages of a length greater than 100
yards.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - \$1M surcharge

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Zapata offered the following:

Amendment (with title amendments)

Between line(s) 547 and 548 insert:

(c) In any fiscal year, the Department of Business and Professional Regulation may make a determination as to whether the level of the slot machine license fees are adequate to support the slot machine regulatory program. If the department determines that the slot machine license fees are inadequate and that a deficit in the trust fund will result, the department shall advise the Governor in accordance with s. 216.221(10). The Governor's plan of action for resolving a budget deficit in excess of one million dollars may include seeking approval from the Legislative Budget Commission for the department to assess a slot machine license fee surcharge of up to one million dollars on each slot machine licensee for the current fiscal year.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Zapata - \$1M surcharge

22 ===== T I T L E A M E N D M E N T =====

23 Remove line(s) 15 and insert:

24 fee and tax rate; authorizing a slot machine license fee

25 surcharge; providing for a license

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Page 2 of 2

Zapata Amd -- \$1M surcharge to cover deficits

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Attkisson - appropriations

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED ✓ (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

(A)

Council/Committee hearing bill: Business Regulation

Representative(s) Attkisson offered the following:

Amendment

Remove line(s) 1204-1240 and insert:

Section 5. (1) For Fiscal Year 2005-2006, forty-six full-time equivalent positions, with associated salary rate of 1,810,342, are authorized and the sums of \$682,582 in recurring and \$1,164,135 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund and \$139,474 in recurring and \$809,863 in non-recurring funds from the Administrative Trust Fund within the Department of Business and Professional Regulation are hereby appropriated for the purpose of carrying out all regulatory activities provided in this act. The Executive Office of the Governor shall place these funds, positions, and the salary rate in reserve until such time as the Department of Business and Professional Regulation submits an expenditure plan for approval to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission in accordance with the provisions of s. 216.177, Florida Statutes.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Attkisson - appropriations

21 (2) For Fiscal Year 2005-2006, the sums of \$976,096 in
22 recurring and \$1,184,564 in nonrecurring funds are hereby
23 appropriated from the Pari-mutuel Wagering Trust Fund within the
24 Department of Business and Professional Regulation for transfer
25 to the Department of Law Enforcement for the purpose of
26 investigations, intelligence gathering, background
27 investigations, and any other responsibilities as provided for
28 in this act. Thirty-nine full-time equivalent positions, with
29 associated salary rate of 1,619,738, are authorized and the sums
30 of \$976,096 in recurring and \$1,184,564 in nonrecurring funds
31 are hereby appropriated from the Operating Trust Fund within the
32 Department of Law Enforcement for the purpose of investigations,
33 intelligence gathering, background investigations, and any other
34 responsibilities as provided for in this act. The Executive
35 Office of the Governor shall place these funds, positions, and
36 the salary rate in reserve until such time as the Department of
37 Law Enforcement submits an expenditure plan for approval to the
38 Executive Office of the Governor and the chair and vice chair of
39 the Legislative Budget Commission in accordance with the
40 provisions of s. 216.177, Florida Statutes.

41 (3) The sum of \$1,000,000 is appropriated for Fiscal Year
42 2005-2006 from the Pari-mutuel Wagering Trust Fund of the
43 Department of Business and Professional Regulation from revenues
44 received pursuant to s. 551.118, Florida Statutes, for contract
45 services related to the prevention of compulsive and addictive
46 gambling.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Altman - purses

Bill No. PCB BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation
Representative(s) Altman, Dean and Greenstein offered the
following:

Amendment (with title amendment)

Remove line(s) 430-439 and insert:

Benevolent and Protective Association, Inc., the Florida
Standardbred Breeders and Owners Association, the Florida
Greyhound Association, Inc., and the International Jai Alai
Players Association governing the payment of purses and awards
on live races or games conducted at the licensee's pari-mutuel
facility. In addition, no slot machine license or renewal
thereof shall be issued to such an applicant unless the
applicant has on file with the division a binding written
agreement between the applicant and the Florida Thoroughbred
Breeders' Association, Inc., governing the payment of breeders',
stallion, and special racing awards on live thoroughbred races
conducted at the licensee's pari-mutuel facility, the Florida
Standardbred Breeders and Owners Association, the Florida
Greyhound Association, Inc., and the International Jai Alai
Players Association governing the payment of purses and awards

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Altman - purses

22 on live races or games conducted at the licensee's pari-mutuel
23 facility. The agreement governing purses and the agreement

24
25 ===== T I T L E A M E N D M E N T =====

26 Remove line(s) 13 and insert:
27 thoroughbred, greyhound, and jai alai pari-mutuel wagering
28 permits; providing for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Porth - per machine fee

Bill No. BR 05B-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative(s) Porth offered the following:

Amendment (with title amendments)

Between line(s) 1248 and 1249 and insert:

Section 7. An annual fee of \$500 per slot machine is hereby imposed upon each slot machine approved for use at any eligible facility as defined in s. 551.102 which is within two miles of any neighboring municipality. A "neighboring municipality" is defined as a municipality that does not have an eligible facility but has two or more facilities located within two miles of its municipal borders. Revenue from the fees imposed by this section must be used by the neighboring municipality to fund the adverse public health, safety, and welfare and public works and traffic impacts that will be caused by the implementation of Section 23, Article X of the State Constitution and that will occur as a direct result of slot machine operations. The annual fee must be remitted to the Division of Pari-mutuel Wagering to be deposited into the Pari-mutuel Wagering Trust Fund and distributed by the division to any neighboring municipality. The fee must be remitted by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Porth - per machine fee

February 1 of each year based on the number of slot machines
approved for operation by the division as of January 1.

===== T I T L E A M E N D M E N T =====

Remove line(s) 40 and insert:

specified service charges; imposing an annual fee on certain
slot machines; defining "neighboring municipality"; providing for
the use of the revenue generated by the collection of the annual
fee; providing that the annual fee be remitted to the division
to be deposited into the Pari-mutuel Wagering Trust Fund and
distributed by the division; providing an effective date.

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Rep. Brerstein
Online 248-249, insert:

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SELF-EXCLUSION PROCEDURES

Section 1. Definitions

The following words and terms, when used in these regulations concerning self-exclusion procedures [REDACTED], shall have the following meanings:

W/D

(a) "Self-exclusion" means voluntarily having oneself barred from the premises of any licensed gaming establishment (hereinafter "casino") in Florida and from all gaming-related activities and privileges, including the issuance of gaming credit and check-cashing privileges; the receipt of direct-marketing and promotional materials regarding gaming opportunities, junket solicitations, player club memberships, complimentary goods and services and the like; and collection of any winnings or recovery of any losses during the exclusionary period.

(b) "Premises" for purposes of self-exclusion shall mean "premises" as defined in the [REDACTED]

(c) "Self-excluded person" means any person whose name is included on the self-exclusion list maintained by the Commission.

(d) "Self-exclusion list" mean the list of names of self-excluded persons.

Section 2. Request for Self-Exclusion

(a) Any person may request self-exclusion pursuant to these regulations by appearing personally at any office of the Mississippi [REDACTED] where he or she shall:

Comment [u1]: Division

(1) Present valid identification credentials containing:

(A) His or her signature; and

(B) Either a photograph or a general physical description;

(2) Be photographed by the Commission; and

Comment [u2]: Division/ FDLE at the expense of [REDACTED]

(3) Submit a completed Request for Self-Exclusion form; and

(4) Turn over to the Commission all player club cards and similar items issued by any casinos to the person for purposes of gambling.

Comment [u3]: Division

(b) The Request for Self-Exclusion shall be on a form prescribed by the Commission, and shall be available at all licensed casinos and at any office of the Mississippi [REDACTED]

Comment [u4]: Division

(c) The Request for Self-Exclusion form shall include:

(1) The following identifying information concerning the person submitting the self-exclusion request:

(A) Name, including any aliases or nicknames;

(B) Date of birth;

(C) Address of current residence;

(D) Telephone number of current residence;

*Staff needs technical license to conform to Fla. statutory system & definitions in bill.

(E) Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;

(F) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;

(2) The length of the self-exclusion period requested by the person, which may be for any length of time up to lifetime, but in no event for less than five years.

(3) A waiver and release that shall be in the following form:

"I hereby release and hold the State of Mississippi, the [REDACTED] Commission and its employees, and all casinos and their affiliated companies, employees, officers and agents harmless from any claim by me or any third party for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or maintenance or enforcement of the self-exclusion list, including, but not limited to, the forfeiture of any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list."

Comment [u5]: Florida

Comment [u6]: Division of pari-mutualwagering

(4) The signature of the person submitting the Request for Self-Exclusion indicating acknowledgment of the following statement:

"Because I am a problem gambler, I am voluntarily requesting exclusion from the entire premises of all Mississippi casinos, including gaming

Comment [u7]: Florida

premises, restaurants, and hotels, and from the issuance of gaming credit, check-cashing privileges, receipt of direct-marketing and promotional materials regarding gaming opportunities, and collection of any winnings or recovery of any losses during the exclusionary period. I understand that no further points, rewards or benefits may be accumulated or redeemed from the player recognition programs I have participated in. I understand that this self-exclusion request does not release me from any debts incurred prior to or during the self-exclusion period. I understand that during the self-exclusion period, any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture to the Mississippi [REDACTED] for donation to the Mississippi [REDACTED]. I hereby consent to having this form, my photograph and identifying information disseminated to necessary casino personnel to identify me should I attempt to return to any casino, and further consent to having said information disclosed to casino affiliated companies outside of Mississippi and that I may be excluded from those casinos without further action on my part. I likewise acknowledge that my self-exclusion information may be forwarded by the

Comment [u8]: Division

Comment [u9]: Pari-Mutual Wagering Trust Fund

Comment [u10]: Florida

Mississippi ██████████ to ██████████
██████████ Commissions for dissemination to casinos in those jurisdictions, such that I may be self-excluded from those casinos. I acknowledge that for my request of self-exclusion to be truly effective, I must exercise self-restraint and shall not attempt to enter the premises of any casino or ask any casino employee to assist me with any of the services or privileges, which are the subject of this request. I acknowledge that I am hereby banned and forbidden from entering the premises of any casino and that if I am found anywhere on the premises of a Mississippi casino, I will immediately be ejected, and, within the discretion of the casino, may be arrested and prosecuted for criminal trespass pursuant to Miss ██████████; and my continued non-cooperation or attempt to breach my self-exclusion may result in placement by the Commission on the involuntary exclusion list. I certify that the information that I have provided herein is true and accurate, and that I have read, understand and agree to the waiver and release above.”

Comment [u11]: Division

Comment [u12]: Other states and Indian Gaming Facilities

Comment [u13]: Florida

Comment [u14]: ?

Comment [u15]: Division

- (5) An indication of the type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or just a general physical description of the person; and
- (6) The signature of a Commission employee authorized to accept such request, indicating that the signature of the person on the Request for Self-Exclusion appears to agree with that contained on his or her identification credentials, and that the photograph or physical description of the person contained on his identification credentials appears to agree with his or her actual appearance.
- (d) The request for self-exclusion may be made only by the individual for whom exclusion would apply, and not by any other person.

Section 3. Self-Exclusion List

- (a) The Commission shall maintain the official self-exclusion list and shall notify each casino of any addition to or deletion from the list by electronic mail, to be followed up with notification via U.S. Mail and/or in the same manner and form as other notices are made by the Commission under these regulations.
- (b) The notice provided by the Commission to all casinos concerning any person whose name shall be either added to or deleted from the self-exclusion list will include the following information:
 - (1) All of the identifying information required by Section 2(c)(1) which was given on the Request for Self-Exclusion, or the request for removal from self-exclusion, whichever is applicable ; and,
 - (2) A copy of the photograph taken by the Commission pursuant to Section 2(a).

Comment [u16]: Division

Comment [u17]: Division

(c) Each casino shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino are notified of any addition to or deletion from the list within ten (10) days after the day the notice is received by the casino.

(d) Casinos with affiliated gaming establishments in other jurisdictions may choose to share the self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.

(e) Information furnished to or obtained by the Commission pursuant to these regulations shall be deemed confidential and shall not be disclosed except in accordance with these regulations.

Comment [u18]: Division

(f) No casino, its affiliates, officers or employee thereof shall disclose the self-exclusion list or portion thereof except as necessary to comply with the provisions of these regulations. Notwithstanding the foregoing, such information may be disclosed to casino employees, officers, agents and affiliated companies, to law enforcement, and in response to a subpoena request or court order in criminal or civil proceedings .

(g) Prior to the expiration of the self-exclusion period, any self-excluded person may request permission from the Commission to enter a specific casino to carry out the duties of employment in a non-gaming position only. Such requests must be made in writing by the human resources department of the casino and state with specificity the reason for the request along with employment documentation. Approval/denial of the request will be provided to the specified casino and to the excluded person making the request.

Comment [u19]: Division

(h) Those persons who are currently self-excluded from one (1) or more casinos upon the effective date of these regulations and whose self-exclusion period has not yet expired shall continue to be self-excluded for the length of time remaining on their self-exclusion period. Said exclusion shall remain effective only for those casinos for which the person requested self-exclusion. At the end of the self-exclusion period, said person's name shall be removed from that casino's self-exclusion list, unless that person submits a request under the procedures set out in these regulations.

Those self-exclusion lists referenced above and maintained by the casinos under the prior regulation shall be given the same force and effect, where applicable, as the self-exclusion list provided for in these regulations, until all such persons' self-exclusion periods have expired.

Section 4. Duties of casino

(a) Each casino shall have and make available to all patrons the Self-Exclusion Form developed and provided by the Commission.

Comment [u20]: Division

(b) Each casino shall designate a person or persons to be the contact person with the Commission for purposes of self-exclusion procedures, including receipt and

Comment [u21]: Division

maintenance of the self-exclusion list, submission of the casino licensee's procedures, and all other communications between the Commission and the casino for self-exclusion purposes.

Comment [u22]: Division

(c) Each casino shall establish procedures and systems which:

(1) Require employees of the casino, upon identification of a self-excluded person present in the casino, to notify:

(A) Those employees of the casino designated to monitor the presence of self-excluded persons; and

(B) Designated representatives of the Commission via facsimile transmission and U.S. Mail;

Comment [u23]: Division

(2) Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the self-exclusion list, to assist in determining whether self-excluded persons are participating in any gaming activities;

(3) Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;

(4) Ensure that self-excluded persons do not receive, either from the casino or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relative to gaming activities at its licensed casino.

(d) Each casino shall post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming or cage areas and cash dispensing machines located on the gaming premises written materials concerning the nature and symptoms of problem gambling, the procedure for self-exclusion, including where they can obtain the Request for Self-Exclusion form, and the toll-free number of the Mississippi [REDACTED] or a similar entity approved by the Executive [REDACTED] that provides information and referral services for problem gamblers.

Comment [u24]: ?

Comment [u25]: Division

(e) Upon discovery by a casino that a self-excluded person has breached his self-exclusion and obtained access to the premises, said casino shall take steps to immediately eject such person from the premises, and notify the Commission of the breach. Both the security and surveillance departments shall immediately determine, to the extent possible:

Comment [u26]: Division

(1) how the person was able to gain access to the premises without being detected and, where possible, how the casino plans to prevent such breaches in the future;

(2) whether and how many times said person has gained such access on previous occasions; and

(3) the net winnings or losses attributable to the excluded person, in which case the casino shall retain any such winnings and, after withholding

appropriate taxes, donate said winnings to the Mississippi [REDACTED]

Comment [u27]: Division of Pari-Mutuel Wagering

A report of the foregoing shall be prepared and forwarded to the Commission within five (5) days after the breach is discovered.

Comment [u28]: Division

(f) Each casino shall submit to the Commission for written approval a copy of its procedures established pursuant to these regulations within 90 days from the adoption of this regulations concerning self-exclusion. Any amendment to the casino's procedures shall be submitted to the Commission at least fourteen (14) days prior to their implementation.

Comment [u29]: Division

Comment [u30]: Division

Section 5. Removal from self-exclusion list

(a) Except for those persons choosing a lifetime self-exclusion, removal from the self-exclusion shall be automatic upon expiration of the period of self-exclusion specified under Section 2(c)(2) above.

(b) Upon the expiration of the self-exclusion period, the Commission shall delete the name of the person from the self-exclusion list and notify each casino of such deletion from the list as set out in Section 3(a) and (b) above.

Comment [u31]: Division

Section 6. Training of Casino Employees

Each casino shall implement procedures for training for all new employees, and annual re-training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and assisting patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of casinos to identify problem gamblers nor to impose any liability for failure to do so. Each licensee shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Mississippi [REDACTED] or [REDACTED]

Comment [u32]: Division

[REDACTED] Gambling are presumed to provide adequate training under this section.

Comment [u33]: ?

Section 7. Noncompliance

(a) Any casino violating any requirements of these regulations on self-exclusion may be subject to disciplinary action by the [REDACTED] Commission.

Comment [u34]: Division

(b) Any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Commission on the involuntary exclusion list as set out in Part V. of these regulations.

Comment [u35]: Division

(c) The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

Section 8. Sharing the Self-Exclusion List with other jurisdictions

The Commission may enter into agreements with the Louisiana Gaming Commission and/or with the Choctaw Gaming Commission for the mutual sharing of self-exclusion

Comment [u36]: Division

lists, by which the Commission would forward Mississippi's self-exclusion list to the other commission and likewise receive from that commission the self-exclusion list from that jurisdiction. The Commission may then provide and update the casinos with the self-exclusion lists from those jurisdictions in the same manner and using the same procedures as is provided in these regulations for [REDACTED] self-exclusion list. In that event, all rules and regulations concerning self-exclusion in Mississippi shall be applicable to the self-exclusion lists from those jurisdictions, just as if those persons had submitted a self-exclusion request in [REDACTED]; likewise, those persons who have self-excluded in [REDACTED] will be excluded in the other jurisdictions just as they are in

Comment [u37]: Division

Comment [u38]: Floridas

Comment [u39]: Division

Comment [u40]: All Mississippis to
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